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CALIFORNIA PHYSICIANS' SERVICE dba BLUE
SHIELD OF CALIFORNIA, BLUE SHIELD OF
CALIFORNIA LIFE AND HEALTH INSURANCE
COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ARAM HOMAMPOUR, JOHN
BARTELS, and JON NAKA on behalf of
themselves and all others similarly situated,

Plaintiff,

v.

CALIFORNIA PHYSICIANS' SERVICE
dba BLUE SHIELD OF CALIFORNIA,
BLUE SHIELD OF CALIFORNIA LIFE
AND HEALTH INSURANCE
COMPANY,

Defendant.

No. 3:15-cv-05003-WHO

Hon. William H. Orrick

**STIPULATION AND
ORDER TO SET BRIEFING SCHEDULE
ON DEFENDANTS' MOTION TO
DISMISS**

Trial Date: None set
Action filed: October 30, 2015

1 Plaintiffs Aram Homampour (“Homampour”), John Bartels (“Bartels”) and Jon Naka
 2 (“Naka”) (collectively “Plaintiffs”) and Defendants California Physicians’ Service dba Blue
 3 Shield of California (“Blue Shield of California”) and Blue Shield of California Life and Health
 4 Insurance Company (“Blue Shield Life”) (collectively “Defendants”) stipulate, pursuant to Civil
 5 Local Rule 6-2, as follows:

6 1. Plaintiff Homampour filed his Complaint against Blue Shield Life on October 30,
 7 2015 and served Blue Shield Life with the Complaint on November 13, 2015.

8 2. On November 2, 2015, this Court set an initial case management conference
 9 (“CMC”) for February 2, 2016 at 2:00 p.m.

10 3. On December 1, 2015, Plaintiff Homampour and Blue Shield Life filed a
 11 stipulation, pursuant to Local Rule 6-1(a), to extend the time for Blue Shield Life to respond to
 12 the initial Complaint, to and including January 8, 2016.

13 4. On December 31, 2015, Plaintiff Homampour and Blue Shield Life filed a
 14 stipulation to the filing of a First Amended Complaint (“FAC”) and to continue the initial case
 15 management conference. (Dkt. No. 14.) On January 4, 2016, the Court entered its Order on the
 16 stipulation. (Dkt. No. 15.) In the Order, the Court noted that, “[i]n the event [Blue Shield Life]
 17 moves to dismiss the FAC, the Court will entertain a stipulation to hold the Case Management
 18 Conference on the same date as the hearing on the motion.”

19 5. On January 15, 2016, Plaintiff Homampour filed his FAC, adding Plaintiff Bartels
 20 and Naka and Defendant Blue Shield of California. (Dkt. No. 16.)

21 6. On January 21, 2016, the parties filed a stipulation to further continue the initial
 22 case management conference to May 24, 2016, and to extend the time for Defendants to respond
 23 to the FAC until April 22, 2016. (Dkt. No. 21.) The Court entered its Order on the stipulation on
 24 January 25, 2016. (Dkt. No. 22.)

25 7. The Court thereafter advanced the Initial Case Management Conference to
 26 May 17, 2016. (Dkt. No. 23.)

8. On April 14, 2016, the parties filed a stipulation regarding Plaintiffs' filing of a Second Amended Complaint ("SAC") and continuing the case management conference to June 14, 2016. (Dkt. No. 24.) The Court entered its Order on the stipulation on April 29, 2016. (Dkt. No. 25.)

9. Plaintiffs filed their Second Amended Complaint on May 6, 2016. (Dkt. No. 26.)

10. On May 26, 2016, the parties filed a stipulation to set a briefing schedule on Defendants' forthcoming motion to dismiss the SAC and to continue the June 14, 2016 initial case management conference to the agreed-upon motion hearing date, August 10, 2016. (Dkt. No. 27.) The Court entered its Order on the stipulation that day. (Dkt. No. 28.)

11. Defendants' motion to dismiss was heard on August 10, 2016, and the motion was taken under submission. The Court stated in its minutes that it would grant Plaintiffs leave to file an amended complaint two weeks after the parties' scheduled September 19, 2016 mediation. (Dkt. No. 41.)

12. On August 31, 2016, the Court issued its Order granting in part Defendants' motion to dismiss. In the Order, the Court gave Plaintiffs 20 days to amend their complaint. (Dkt. No. 43.)

13. On September 2, 2016, the parties filed a stipulation to allow Plaintiffs until October 3, 2016 to file their Third Amended Complaint ("TAC"). (Dkt. No. 44.) The Court entered its Order on the stipulation on September 6, 2016. (Dkt. No. 45.)

14. On October 3, 2016, Plaintiffs filed their TAC. (Dkt. No. 46.)

15. On October 17, 2016, the parties' counsel met and conferred by telephone. Defendants informed Plaintiffs that Defendants intend to file a motion to dismiss the TAC.

16. The parties agreed that Defendants' motion to dismiss will be heard on Wednesday, December 14, 2016, at 2:00 p.m., or a date convenient to the Court. The parties also agreed to stipulate to a briefing schedule for Defendants' motion to dismiss, due to the fact that the parties will also be briefing a motion to dismiss in the related action of *Barbor v. California*

1 *Physicians' Service*, Case No. 3:16-cv-01773-WHO, and because of the upcoming Thanksgiving
2 holiday.

3 17. The parties agreed upon the following briefing schedule: Plaintiffs' opposition will
4 be due on November 14, 2016, and Defendants' reply will be due on December 5, 2016.

5 **SO STIPULATED.**

6
7 Dated: October 19, 2016

MANATT, PHELPS & PHILLIPS, LLP

8
9 By: /s/ Ileana M. Hernandez

10 Gregory Pimstone

11 John LeBlanc

Ileana M. Hernandez

12 Leah R. Adams

Attorneys for Defendants

CALIFORNIA PHYSICIANS' SERVICE

13 dba BLUE SHIELD OF CALIFORNIA,

14 BLUE SHIELD OF CALIFORNIA LIFE

AND HEALTH INSURANCE

COMPANY

15 Dated: October 19, 2016

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16
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18 Glenn R. Kantor

Timothy J. Rozelle

Attorneys for Plaintiffs

19 ARAM HOMAMPOUR, JOHN

20 BARTELS, and JON NAKA

21
22 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

23 Dated: October 26, 2016

24
25 

Honorable William H. Orrick

26 United States District Judge